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6 Attorney for Defendant  
COLE J. GARDNER  
7

8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
10

11 UNITED STATES OF AMERICA,  
12 Plaintiff,

13 vs.

14 COLE J. GARDNER,  
15 Defendant.  
16

Case Nos. 5:22-po-00089-SAB and  
5:22-po-00090-SAB

STIPULATION TO DISMISS CASE NO. 5:22-  
PO-00090-SAB AND TO ALLOW FIXED-SUM  
PAYMENT IN LIEU OF APPEARANCE FOR  
CASE NO. 5:22-PO-00089-SAB; ORDER

17 **IT IS HEREBY STIPULATED** by and between the parties through their respective  
18 counsel, Lieutenant Jason Baskett, counsel for the plaintiff, and Assistant Federal Defender Erin  
19 Snider, counsel for defendant Cole J. Gardner, that Case No. 5:22-po-00090-SAB shall be  
20 dismissed pursuant to Federal Rule of Criminal Procedure 48(a) and that Case No. 5:22-po-  
21 00089-SAB shall be resolved by payment of a fixed-sum in lieu of Mr. Gardner's appearance  
22 pursuant to Federal Rule of Criminal Procedure 58(d)(1) and Local Rule Crim. 410.

23 The government moves to dismiss Case No. 5:22-po-00090-SAB—charging Mr. Gardner  
24 with a violation of 18 U.S.C. § 13 (incorporating California Vehicle Code 14601.2(a), driving  
25 with a suspended license)—without prejudice, in the interest of justice, pursuant to Federal Rule  
26 of Criminal Procedure 48(a). The remaining case—Case No. 5:22-po-00089-SAB—charges Mr.  
27 Gardner with a violation of 18 U.S.C. § 13 (incorporating California Vehicle Code 22349(a),  
28 speeding). The parties hereby request that the Court permit Mr. Gardner to pay the \$180

1 forfeiture amount and \$30 processing fee in lieu of any further appearance in Case No. 5:22-po-  
2 00089-SAB. Mr. Cole has agreed to this disposition.

3 Respectfully submitted,

4 PHILLIP A. TALBERT  
5 United States Attorney

6 Date: July 27, 2022

/s/ Jason Baskett

7 JASON BASKETT  
Attorney for Plaintiff

8 HEATHER E. WILLIAMS  
9 Federal Defender

10 Date: July 27, 2022

/s/ Erin Snider

11 ERIN SNIDER  
12 Assistant Federal Defender  
13 Attorney for Defendant  
14 COLE J. GARDNER

15 **ORDER**

16 **IT IS SO ORDERED.** Case No. 5:22-po-00090-SAB is hereby dismissed, without  
17 prejudice, in the interest of justice. If defendant Cole J. Gardner pays the \$180 forfeiture amount  
18 and \$30 processing fee for Case No. 5:22-po-00089-SAB prior to the August 2, 2022 status  
19 conference, the matter will be closed.

20  
21 IT IS SO ORDERED.

22 Dated: **July 27, 2022**



23 UNITED STATES MAGISTRATE JUDGE